

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CYNTHIA ORTEGA,

Plaintiff,

v.

Case No. 12-cv-1175 SMV

**CAROLYN W. COLVIN,
Acting Commissioner of the Social Security
Administration,**

Defendant.

ORDER GRANTING AGREED MOTION TO REVERSE AND REMAND

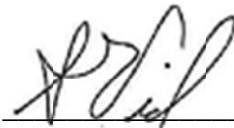
THIS MATTER is before the Court on Defendant's Agreed Motion to Reverse and Remand for Further Administrative Proceedings [Doc. 17], filed on August 5, 2013. The Court, being fully advised in the premises, finds that the motion is well-taken and should be granted.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Defendant's Agreed Motion to Reverse and Remand for Further Administrative Proceedings [Doc. 17] is **GRANTED**, and this case is **REMANDED** to the Commissioner pursuant to sentence four of 42 U.S.C. §405(g) for proper evaluation of the severity of Plaintiff's alleged impairments in accordance with the procedure set forth by relevant case law, regulations, and rulings.

IT IS FURTHER ORDERED that on remand, the ALJ will reevaluate Plaintiff's functional capacity ("RFC") based on all the evidence. In doing so, the ALJ will evaluate the medical opinion evidence in accordance with 20 C.F.R. § 416.927. In particular, the ALJ should evaluate Dr. Robert Krueger's, Dr. Michael Cummings', and Dr. Jaye Swaboda's opinions. The ALJ should provide specific reasons for accepting or rejecting these opinions, and state the given to such opinions. Additionally, the ALJ will obtain updated vocational evidence and

determine if Plaintiff had any past relevant work pursuant to 20 C.F.R. § 416.965. Specifically, the ALJ should reevaluate whether Plaintiff's past work as a housekeeper was performed at substantial gainful activity levels. Lastly, if necessary, the ALJ will obtain vocational expert assistance to determine whether Plaintiff can perform her past relevant work, if any, or other existing in a significant number of jobs in the national economy.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge
Presiding by Consent